

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

2:12-CV-591 JCM (GWF)

TELLER, an individual,

Plaintiff(s),

v.

GERARD DOGGE (p/k/a Gerard  
Bakardy) an individual,

Defendant(s).

**ORDER**

Presently before the court are the report and recommendation of Magistrate Judge Foley. (Doc. # 222). No objections have been filed even though the deadline for filing objections has passed.

Upon considering plaintiff Teller's motion for case dispositive sanctions, (doc. # 205), Magistrate Judge Foley recommended that defendant Dogge's answer be stricken and default entered.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

...

1           Where a party fails to object, however, the court is not required to conduct “any review at all  
 2   . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
 3   Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
 4   judge’s report and recommendation where no objections have been filed. *See United States v.*  
 5   *Reyna–Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (disregarding the standard of review employed  
 6   by the district court when reviewing a report and recommendation to which no objections were  
 7   made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth  
 8   Circuit’s decision in *Reyna–Tapia* as adopting the view that district courts are not required to review  
 9   “any issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate  
 10   judge’s recommendation, then this court may accept the recommendation without review. *See, e.g.,*  
 11   *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation  
 12   to which no objection was filed).

13           Nevertheless, this court finds it appropriate to engage in de novo review to determine whether  
 14   to adopt the recommendation of the magistrate judge. It is evident that defendant Dogge has  
 15   consistently refused to cooperate in the litigation process and failed to comply with orders of the  
 16   court. For his final trick in this case, defendant Dogge has disappeared entirely—first refusing to  
 17   participate in required pretrial procedures then insisting he would not physically attend trial. Thus,  
 18   the court finds good cause to ADOPT the magistrate judge’s findings in full.

19           Accordingly,

20           IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
 21   recommendation of Magistrate Judge Foley, (doc. # 222), are ADOPTED in their entirety.

22           IT IS FURTHER ORDERED that plaintiff Teller’s motion for case-dispositive sanctions,  
 23   (doc. # 205), is GRANTED.

24           IT IS FURTHER ORDERED that defendant Dogge’s answer, (doc. # 39), be stricken in its  
 25   entirety. The clerk is instructed to enter default against defendant Dogge.

26           DATED July 9, 2014.

27             
 28           UNITED STATES DISTRICT JUDGE